

BEFORE THE STATE ENGINEER OF THE STATE OF UTAH

IN THE MATTER OF CHANGE APPLICATION)

NUMBER 61-1525 (a17594))

MEMORANDUM DECISION

Change Application Number 61-1525 (a17594), in the names of Willard L. and Vida R. Shaffer, was filed on September 23, 1993, to change the point of diversion, place of use, and nature of use of 0.25 acre-feet of water. Heretofore, the water has been diverted from Henrie Slough, located South 470 feet and West 500 feet from the NE Corner of Section 12, T37S, R7W, SLB&M, and used for the irrigation of 0.13 acres in the Section 6; Section 7; T37S, R6W, SLB&M.

Hereafter, it is proposed to divert 0.25 acre-feet of water from a six inch well, 50 feet to 200 feet deep, located North 2100 feet and West 850 feet from the SE Corner of Section 32, T36S, R5W, SLB&M, to be used for the part-time domestic purposes of the family in the NE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 32, T36S, R5W, SLB&M.

The application was advertised in The Garfield County News from October 14, 1993, to October 28, 1993, and was not protested.

It appears that this change can be made provided certain precautions are observed.

It is, therefore, **ORDERED** and Change Application Number 61-1525 (a17594) is hereby **APPROVED** subject to prior rights and the following conditions:

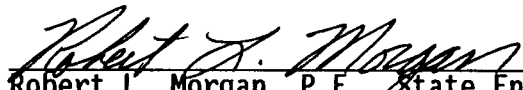
1. No more water may be diverted from the well than they are entitled to under this right and which is available at the original point of diversion on Mammoth Creek.
2. The use by the applicants will be limited to 0.25 acre-feet of water annually based on an annual irrigation duty of 2.0 acre-feet of water per acre of land. The applicants are to identify and abandon a total of 0.13 acres of land that was historically irrigated from Mammoth Creek. A map depicting the abandoned irrigated land shall be supplied to the State Engineer at the time proof of beneficial use is submitted.
3. The water right shall be brought under controlled distribution by the Sevier River Commissioner and a permanent totalizing meter shall be installed on the well and available for inspection at all reasonable times by the River Commissioner.
4. Measuring devices shall be installed, if not already present, at the original points of diversion to accurately measure the amount of water that would have been available to divert under this right.
5. Any cost incurred in administrating this change shall be borne by the applicant.

This Decision is subject to the provisions of Rule R655-6-17 of the Division of Water Rights and to Sections 63-46b-13 and 73-3-14 of the Utah Code Annotated, 1953, which provide for filing either a Request for Reconsideration with the

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State Engineer or an appeal with the appropriate District Court. A Request for Reconsideration must be filed with the State Engineer within 20 days of the date of this Decision. However, a Request for Reconsideration is not a prerequisite to filing a court appeal. A court appeal must be filed within 30 days after the date of this Decision, or if a Request for Reconsideration has been filed, within 30 days after the date the Request for Reconsideration is denied. A Request for Reconsideration is considered denied when no action is taken 20 days after the Request is filed.

Dated this 30th day of December, 1993.


Robert L. Morgan, P.E., State Engineer

RLM:KF:mw

Mailed a copy of the foregoing Memorandum Decision this 30th day of December, 1993, to:

Willard L. and Vida R. Shaffer
P.O. Box 591
Hatch, UT 84735

Ray J. Owens
Upper Sevier River Commissioner
280 North 100 East
Joseph, UT 84729

BY: 
Maclovio White, Secretary